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January 19, 2023

VIA ECF
Honorable Lorna G. Schofield, U.S.D.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Trustees of the Drywall Tapers and Pointers Local Union No. 1974 Benefit Funds, et al. v. L.G. Commercial Construction Corp.

Case No.: 22-cv-03155 (LGS)

Dear Judge Schofield,

This firm represents Plaintiffs Trustees of the Drywall Tapers and Pointers Local Union No. 1974 Benefit Funds (the “Funds”) and the District Council No. 9, Drywall Tapers and Pointers of Greater New York Local Union 1974, Affiliated with International Union of Painters and Allied Trades, AFL-CIO (the “Union”) (hereinafter collectively referred to as the “Plaintiffs”) in the above referenced matter. On April 18, 2022, the Funds filed a complaint [ECF No. 1] for the failure of Defendant L.G. Commercial Construction Corp. to allow an audit by the Funds in accordance with the Employee Retirement Income Security Act, as amended (“ERISA”) (29 U.S.C. Section 1132(a)(3) and 29 U.S.C. 1145) and Defendant’s collective bargaining agreement with the Union. The Funds issued a final audit report, dated November 14, 2022, in accordance with books and records provided by the Employer. Since the issuance of the report, the Funds have been unable to connect with the Employer to resolve this matter, despite multiple good faith attempts on the Funds’ behalf to do so. The Court issued a deadline for the parties to file a further joint status letter by February 24, 2023 [ECF No. 33]. Defendant has not entered an appearance in this matter. In light of the foregoing circumstances, Plaintiffs plan on moving for a default judgment to recover the audit findings, and respectfully request that the February 24th deadline be accordingly adjourned *sine die*.

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Plaintiffs have not made any prior requests to adjourn the February 24th deadline. Plaintiff has been unable to connect with Defendant.

I appreciate your time and attention to this matter.

Respectfully submitted,

/s/ Lauren M. Kugiekska
Lauren M. Kugiekska

